

Remarks

The Office Action dated March 20, 2008, has been received and carefully reviewed. The preceding amendments and the following form a full and complete response thereto. Claim 1 was amended and its dependent claims have been amended to depend from new claim 76, which is added. No new matter is added. Accordingly, Applicants request that claims 1-76 be examined on the merits.

In response to the restriction requirement, Applicants elect, with traverse, to prosecute the claims according to Group I and therein, further, the subgroup 1(a), i.e., claims 4 to 5 and 59 as well as claims 2 to 3 which will be then examined along with the elected group 1(a) as announced under item 5 of the communication.

The Office Action states that the claims are not directed to a single general inventive concept as required by PCT Rules 13.1 and 13.2. Applicants disagree and traverse the requirement for the following reasons:

Rules 13.1 and 13.2 PCT require that a "single general inventive concept" exists, which can be expressed by "special technical features [...] that define a contribution which each of the claimed inventions [...] makes over the prior art", i.e. the unity of an invention has to be examined with respect to the (closest) prior art. An examination of unity (i.e. patentably distinction) must be based on the question whether a general inventive concept is expressed by those features of the claims that are novel over the prior art. This requirement is commonly misapplied in the U.S.

Regarding independent claims 1 and 9, i.e., the subject matter of claim groups I and II, respectively, a lack of unity objection has not been raised in **any** of counterpart proceeding (e.g. Russian, European or Indian counterpart proceedings).

Applicants submit that it was argued that claims 1 and 9 are novel over EP 1,197,350 A2 ("EP '350"), which is cited in the present application and has been considered as the closest prior art. EP '350 generally discloses a two-channel hologram including subareas, whereas it is not described any further, under which viewing conditions the subareas are recognizable.

According to claim 1, however, the information represented by the subareas is recognizable substantially only under the specific viewing conditions of the diffractive image, while according to claim 9, the information represented by the subareas is recognizable under viewing conditions differing from the specific viewing conditions of the diffractive image.

Considering now the requirements of Rules 13.1 and 13.2 PCT, the general inventive concept of claims 1 and 9 should be expressed by the special technical feature that the information represented by the subareas is recognizable only under specific viewing conditions. This point is highlighted by the amendment to claim 1. Since this common feature of claims 1 and 9 renders both claim 1 and claim 9 novel over EP '350, it establishes unity of invention for claims 1 and 9. That is, under Rules 13.1 and 13.2 PCT, claims 1 and 9 cannot be patentably distinct due to the common technical features novel over EP '350. For this reason, Groups I and II must be examined together.

Regarding claim group III, claim 57 describes a method for manufacturing a document of value in which, according to feature (b), the information represented by the subareas is recognizable under the different viewing conditions of the reconstructed diffractive images. Feature (b) of claim 57 thus corresponds to the characterizing feature of claim 1, according to which the information represented by the subareas is recognizable substantially only under the specific viewing conditions of the diffractive image. Applicants therefore submit that claim group III (claims 57, 74 to 75) is not patentably distinct over the subject matters of claim groups I and II. Thus, the claims defined by Groups I, II and III must be examined together

In view of the above, the Applicants request that the requirement for restrict be withdrawn and examination proceed on the merits for all pending claims.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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Date

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